

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CLAXTON H. WILLIAMS, JR.)	
)	
Plaintiff,)	
)	
v.)	No. 06-772-MJR-CJP
)	
ROD R. BLAGOJEVICH, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is defendant Ahmed's motion to compel plaintiff Williams to appear to continue his deposition and answer questions posed to him regarding this action. **(Doc. 74)**. When plaintiff failed to answer interrogatories, the defendant scheduled plaintiff's deposition. Plaintiff did not appear at the first scheduled deposition, claiming to be ill. Plaintiff eventually did appear to be deposed, but became angry and refused to answer questions posed to him. When questions were posed to plaintiff on a second occasion, he indicated he could not answer because he did not have documentation needed to refresh his memory. Plaintiff has not responded to the subject motion to compel.

Defendant Ahmed is certainly entitled to conduct discovery in this case. Therefore, the subject motion is well taken. Plaintiff must submit to deposition again, and he must answer all questions to the best of his recollection, regardless of whether he has all of the documentation he perceives he needs to answer the questions posed to him. Discovery has already been extended and, aside from allowing defendant Ahmed to complete plaintiff's deposition, no additional time will be allotted for discovery.

Federal Rule of Civil Procedure 37(d) provides that an unjustified failure to answer written interrogatories or questions posed during oral deposition may be punished in a variety of ways, including dismissal of the complaint and entry of judgment by default against a disobedient party. If plaintiff does not participate in his deposition and answer all questions to the best of his recollection, he should anticipate that his complaint against defendant Ahmed will be dismissed.

IT IS HEREBY ORDERED that the subject motions (**Doc. 74**) is **GRANTED**. On or before **February 9, 2009**, plaintiff shall submit to deposition by defendant Ahmed and shall answer all questions posed to him to the best of his recollection, regardless of whether he has all of the documentation he perceives he needs to answer the questions posed to him.

IT IS FURTHER ORDERED that the discovery period is reopened through **February 9, 2009**, for the limited purpose of allowing defendant Ahmed to complete discovery; defendant Ahmed is hereby **GRANTED** leave to re-depose plaintiff Williams.

IT IS FURTHER ORDERED that the dispositive motion deadline is extended to **March 1, 2009**.

No further extensions will be granted.

IT IS SO ORDERED.

DATED: January 9, 2009

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE